

Marc J. Randazza, #027861  
 RANDAZZA LEGAL GROUP, PLLC  
 2764 Lake Sahara Drive, Suite 109  
 Las Vegas, NV 89117  
 Tel: (702) 420-2001  
 ecf@randazza.com

David S. Gingras, #021097  
 GINGRAS LAW OFFICE, PLLC  
 4802 E. Ray Road, #23-271  
 Phoenix, AZ 85044  
 Tel.: (480) 264-1400  
 Fax: (480) 248-3196  
 David@GingrasLaw.com

John C. Burns, MBE# 66462\*  
 Burns Law Firm  
 P.O. Box 191250  
 Saint Louis, MO 63119  
 Tel: 314-329-5040  
 Fax: 314-282-8136  
 TBLF@pm.me

Attorneys for Plaintiffs  
 TPG Communications, LLC and Jordan Conradson

*\*pro hac vice forthcoming*

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
 IN AND FOR THE COUNTY OF MARICOPA**

TGP Communications, LLC, d/b/a The  
 Gateway Pundit, a Missouri limited liability  
 company; and Jordan Conradson, an  
 individual,

Plaintiffs,

v.

Jack Sellers, Thomas Galvin, Bill Gates,  
 Clint Hickman, and Steve Gallardo, in their  
 respective official capacities as members of  
 the Maricopa County Board of Supervisors;  
 Stephen Richer, in his official capacity as  
 the Maricopa County Recorder; Rey  
 Valenzuela and Scott Jarrett, in their official

Case No. \_\_\_\_\_

**DECLARATION OF JAMES HOFT**

capacities as Maricopa County Election Directors; and Megan Gilbertson and Marcus Milam, in their official capacities as Maricopa County Communications Officers,

Defendants.

### **DECLARATION OF JAMES HOFT**

I, James Hoft, declare the following:

1. I am the Editor and Publisher of Plaintiff TGP Communications, LLC d/b/a The Gateway Pundit. The Gateway Pundit is a news and opinion publication of national renown. I started The Gateway Pundit in my basement in 2004. Since then, The Gateway Pundit has grown into one of the largest and most highly read political blogs in the nation. The Gateway Pundit is ranked as one of the top 150 websites in the US, with an average of 2.5 million daily readers.

2. I have reviewed the facts and allegations in Plaintiffs' Complaint and *Ex Parte* Motion for a Temporary Restraining Order and I have personal knowledge of them. The facts and allegations in these documents are true and correct.

3. On or about September 27, 2022, The Gateway Pundit applied for press credentials to view the vote tabulation process in Maricopa County, Arizona and to participate in press conferences given by its officials.

4. On or about September 30, 2022, The Gateway Pundit received a notice from the Maricopa County Elections Department denying my request for press credentials. The denial email specifically stated:

Thank you for applying for a Maricopa County Press Pass. This email is to notify you that you have been denied a press credential based on the following criteria which is listed on Maricopa.gov:

- #4[sic]: You (a) do not avoid real or perceived conflicts of interest and (b) are not free of associations that would compromise journalistic

1 integrity or damage credibility. Therefore, you are not a bona fide  
2 correspondent of repute in your profession.

3 5. After receiving this notice, The Gateway Pundit continued to report on  
4 matters of public concern in Maricopa County. However, on November 10, 2022, Maricopa  
5 County went even further and did not allow The Gateway Pundit or any of its reporters to  
6 remain on the curtilage of the Maricopa County Elections Office and ejected The Gateway  
7 Pundit and its reporters completely from the property, not even allowing them to be outside  
8 the gate to cover the events inside in any manner at all. Upon being ejected, the government  
9 used a drone to follow The Gateway Pundit and its reporters to further intimidate them  
10 from continuing to make any meaningful effort at newsgathering.

11 6. National elections are some of the most important events any press outlet can  
12 cover and report on. They are the greatest test of a functioning democracy, and since 2020  
13 there have been serious questions raised regarding the integrity of these elections, including  
14 in Maricopa County.

15 7. Responsible reporting on this issue of paramount concern requires access to  
16 primary sources of information, which requires access to the premises of relevant elections  
17 offices.

18 8. Maricopa County's illegal and unconstitutional actions have harmed The  
19 Gateway Pundit's ability to exercise its First Amendment rights, particularly as a member  
20 of the press with millions of readers.<sup>1</sup> The Gateway Pundit is a political blog that reports

21 <sup>1</sup> Whether the Court orders Maricopa County to grant press credentials or simply  
22 orders it to permit Plaintiffs access is of little Constitutional difference. However, The  
23 Gateway Pundit would prefer to be granted the rights sought by such credentials without  
24 actually having the credentials, should this Court be so inclined. The reason for this is that  
25 if the government grants such credentials to press outlets that it regards as no threat to it,  
then the credentials are a badge of shame. Any press outlet that carries one today should  
be ashamed of itself that it was seen as so impotent and so unlikely to challenge the  
government that it was deemed "safe." Nevertheless, should Plaintiffs be required to sport

1 a perspective that is usually ignored by the corporate-owned press. Its readers expect it to  
2 probe and challenge public entities and public officials to ensure that each are properly  
3 fulfilling their obligations to the citizens of these United States.

4 9. Being arbitrarily blocked from engaging public officials in their press  
5 conferences prevents The Gateway Pundit from doing its job as a journalistic enterprise.  
6 The Gateway Pundit cannot gain any first-hand information. It cannot report any  
7 information. Even if it is capable of obtaining some information that is newsworthy on this  
8 subject, Defendants' actions have made it essentially impossible to verify such information  
9 so that The Gateway Pundit can responsibly and ethically discharge its duties as a  
10 journalistic outlet. Without access, all of these common and necessary components of  
11 journalism are made significantly more difficult.

12 10. Aside from hampering The Gateway Pundit's ability to report the news,  
13 Defendants blocking its access to government officials has also placed it at a distinct  
14 disadvantage compared to other journalists and journalistic outlets who have not been  
15 barred access.

16 11. The Gateway Pundit is well aware of the "actual malice" standard set out in  
17 *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964). This standard establishes that a  
18 public figure plaintiff may sue a journalist for defamation if the journalist published with  
19 actual malice. One of the surest ways to avoid a finding or allegation of actual malice when  
20 reporting on public officials is to actually confront these officials and ask them for  
21 comment.

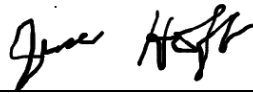
22 12. By barring The Gateway Pundit from access to such officials, Defendants  
23 have also made it significantly more dangerous to report on issues related to the 2022

24 such a badge, Plaintiffs will do so, but wish for the world to be reminded that they sport  
25 the badge under protest, as no such credential should be required of a free press.

1 election. The Gateway Pundit does not have the ability to properly verify news stories it  
2 wishes to publish about the election, which means it is much more likely to be sued for any  
3 pieces it publishes. This has made The Gateway Pundit much more wary about publishing  
4 anything on this subject.

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Dated: 11 / 12 / 2022.

7 

8 James Hoft